

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

: DATE FILED: October 21, 2004

v.

: CRIMINAL NO. 04-

BRYANT LEE

**: VIOLATIONS: 18 U.S.C. § 666 (theft from an
organization receiving federal
funds - 1 count)
18 U.S.C. § 1028(a)(7),
(c)(3)(A) (fraud in connection
with identification information
- 1 count)
18 U.S.C. § 1029(a)(2)
(unauthorized use of access
devices - 5 counts)
18 U.S.C. § 2 (aiding and
abetting)
18 U.S.C. § 982 (criminal
forfeiture)
Notice of additional factors**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this Indictment:

1. The National Railroad Passenger Corporation ("Amtrak") was a federally owned corporation created by Congress in 1970 to provide intercity and commuter rail service. Amtrak maintains one of many places of business at 30th Street Station in Philadelphia, Pennsylvania.
2. Amtrak constituted an "organization" which received annual benefits in excess of \$10,000 in each of the calendar years since 1970 under a federal program involving a

grant, contract, subsidy, loan, guarantee, and other form of federal assistance.

3. From August 18, 1989 until March 20, 2001, defendant **BRYANT LEE** was an employee of Amtrak, and as such was its agent. The defendant was employed as a track man at Amtrak's 30th Street Station, where he had the authority and ability to access Amtrak's property, including many offices, via duly issued Amtrak security cards.

4. In March 2001, defendant **BRYANT LEE** was in possession of the following stolen Amtrak property:

Amtrak Property	Cost
Motorola Radio HT-600	\$600.00
Orange railroad safety vests, 5 \$8.90 each	\$44.50
Amerex Model A403 fire extinguisher	\$38.11
Orange railroad raincoats, 2 \$25.93 each	\$51.86
First aid kits, 4 small \$12.99 each, 1 large \$24.77	\$76.73
Williams metric tool set	\$70.65
Craftsman 3/8 inch drill A9843	\$94.00
Dwalt 18v XRs cordless drill 12895	\$274.04
Simplex Unican mechanical pushbutton locks, 2 \$330.60 each	\$661.20
Falcon radar gun	\$1500.00
HP Vetra VL tower US83824573	\$1724.00

IBM Thinkpad 78/K024797-06	\$3646.00
Toshiba Tecra laptop 077634209	\$2457.00
IBM Thinkpad 78BY726	\$4687.00
Unisys laptop 466648052 50450320	est. ≥ \$2,000
Toshiba T4900CT laptop 03534412	est. ≥ \$2,000
Palm IIIX Palm Pilot 10FG1CM97YRD	est. ≥ \$100.00
HP facsimile model 910 MYUBEE1054	est. ≥ \$100.00
HP laser jet 4 printer C2001A USBB052451	est. ≥ \$100.00
HP laser jet 6P USCD076495	est. ≥ \$100.00
SkilSaw HD77 worm drive saw	est. ≥ \$100.00
Total:	\$20,425.09

5. Between in or about April 2000, and in or about March 2001, in the Eastern District of Pennsylvania, and elsewhere, the defendant

BRYANT LEE,

being an agent and employee of Amtrak, an organization which received benefits of over \$10,000 in any one-year period under a federal program involving a grant, contract, subsidy, loan, guarantee, insurance or other form of federal assistance, embezzled, stole and obtained by fraud property valued at \$5,000 or more, which property is described below, which was owned by and under the care, custody and control of Amtrak:

IBM Thinkpad 78/K024797-06	\$3646.00
Toshiba Tecra laptop 077634209	\$2457.00
IBM Thinkpad 78BY726	\$4687.00
Unisys laptop 466648052 50450320	est. ≥ \$2,000
Toshiba T4900CT laptop 03534412	est. ≥ \$2,000

In violation of Title 18, United States Code, Section 666(a)(1)(A) and (b).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

At all times material to this indictment:

1. Defendant **BRYANT LEE** was a United States Army National Guard recruiter during the period 1995 through 1998. Amongst many duties, he regularly came into possession of Armed Forces of the United States Report of Transfer or Discharge forms (“DD 214”) and recruiting forms (“Apple MD”), which contain personal information, including names, addresses, and social security numbers.

2. On or about March 20, 2001, defendant **BRYANT LEE** was in possession of ten (10) DD214s and 24 Apple MDs at his home at 1054 Flanders Road, in Philadelphia, Pennsylvania. Amongst the Apple MDs was one in the name of K.H. and contained K.H.’s personal information.

3. From on or about July 3, 2000 to on or about December 15, 2000, in the Eastern District of Pennsylvania and elsewhere, defendant

BRYANT LEE

knowingly and without lawful authority used, and aided and abetted and willfully caused the use of, a means of identification of another person with the intent to commit, and to aid and abet, a violation of Federal law, that is access device fraud in violation of 18 U.S.C. § 1029(a)(2), and a felony under State law, that is theft by deception in violation of 18 Pa.C.S. § 3922, by fraudulently opening credit accounts in the name of K.H. with Provident Financial and Australian & New Zealand Bank to obtain merchandise and other things of value totaling at least \$2,016.17

within a one-year period and thereby affecting interstate commerce.

In violation of Title 18, United States Code, Sections 1028(a)(7), (b)(1)(D),
(c)(3)(A) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 2 of Count Two are incorporated here.
2. From on or about July 12, 2000 to on or about December 15, 2000, in the

Eastern District of Pennsylvania and elsewhere, defendant

BRYANT LEE

knowingly and with the intent to defraud used and aided and abetted and willfully caused the use of, unauthorized access devices, that is, a Provident Financial Visa credit card (account number ending with 6601) and an Australian & New Zealand Bank Visa credit card (account number ending with 0506), in the name of K.H., to obtain merchandise and other things of value aggregating \$1,000 or more, that is at least \$2,016.17, during a one-year period and thereby affecting interstate commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Defendant **BRYANT LEE** was a security guard with Cambridge Security Company, assigned to the Bradlees Department Store located Snyder Plaza in Philadelphia, Pennsylvania during the period from 1998 through 2001.
2. Prior to January 9, 2001, MBNA America Master Card credit card number (ending with 5956), Providian National Bank Visa credit card number (ending with 1705), Discover credit card number (ending with 7157), American Express credit card number (ending with 4007), and Freedom Credit Union Visa credit card number (ending with 5333) were used by the duly authorized credit card account holders at the Bradlees Department Store located Snyder Plaza in Philadelphia, Pennsylvania.
3. On or about March 20, 2001, defendant **BRYANT LEE** was in possession of MBNA America Master Card credit card number (ending with 5956), Providian National Bank Visa credit card number (ending with 1705), Discover credit card number (ending with 7157), American Express credit card number (ending with 4007), and Freedom Credit Union Visa credit card number (ending with 5333) at his home at 1054 Flanders Road, in Philadelphia, Pennsylvania.
4. From on or about January 9, 2001 to on or about February 22, 2001, in the Eastern District of Pennsylvania and elsewhere, defendant

BRYANT LEE

knowingly and with the intent to defraud used and aided and abetted and willfully caused the use of, unauthorized access devices, that is, an MBNA America Master Card credit card number

(ending with 5956), a Providian National Bank Visa credit card number (ending with 1705), a Discover credit card number (ending with 7157), an American Express credit card number (ending with 4007), and a Freedom Credit Union Visa credit card number (ending with 5333), to obtain merchandise and other things of value aggregating \$1,000 or more, that is at least \$1,644.36, during a one-year period and thereby affecting interstate commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraph 1 of Count Four of this indictment is incorporated here.
- 2.. Prior to February 9, 2001, Discover credit card number (ending with 0224), Household Bank Master Card credit card number (ending with 5789), and Chase Manhattan Bank Visa credit card number (ending with 2118) were used by the duly authorized credit card account holders at the Bradlees Department Store located Snyder Plaza in Philadelphia, Pennsylvania.
3. On or about March 20, 2001, defendant **BRYANT LEE** was in possession of Discover credit card number (ending with 0224), Household Bank Master Card credit card number (ending with 5789), and Chase Manhattan Bank Visa credit card number (ending with 2118) at his home at 1054 Flanders Road in Philadelphia, Pennsylvania.
4. From on or about February 9, 2001 to on or about March 3, 2001 in the Eastern District of Pennsylvania and elsewhere, defendant

BRYANT LEE

knowingly and with the intent to defraud used and aided and abetted and willfully caused the use of, unauthorized access devices, that is, a Discover credit card number (ending with 0224), a Household Bank Master Card credit card number (ending with 5789), and a Chase Manhattan Bank Visa credit card number (ending with 2118), to obtain merchandise and other things of value aggregating \$1,000 or more, that is at least \$1,287.92, during a one-year period and thereby affecting interstate commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraph 1 of Count Four is incorporated here.
2. Prior to January 23, 2001, Discover credit card number (ending with 8945) and Citibank Master Card credit card number (ending with 2104) were used by the duly authorized credit card account holders at the Bradlees Department Store located Snyder Plaza in Philadelphia, Pennsylvania.
3. On or about March 20, 2001, defendant **BRYANT LEE** was in possession of Discover credit card number (ending with 8945) and Citibank Master Card credit card number (ending with 2104) at his home at 1054 Flanders Road, in Philadelphia, Pennsylvania.
4. From on or about January 23, 2001 to on or about January 24, 2001, in the Eastern District of Pennsylvania and elsewhere, defendant

BRYANT LEE

knowingly and with the intent to defraud effected and attempted to effect transactions, with 1 or more access devices issued to other persons, that is, a Discover credit card number (ending with 8945) and Citibank Master Card credit card number (ending with 2104), to receive payment or any other thing of value aggregating \$1,000 or more, that is, at least \$1,745.65, during a one-year period and thereby affecting interstate commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2), (b)(1) and 2.

NOTICE OF FORFEITURE

1. As a result of the violations of Title 18, United States Code, Section 1029(a)(2), as set forth in Counts 3 through 5 of this indictment, the defendant

BRYANT LEE

shall forfeit to the United States of America any and all property, real and personal, involved in such offenses, and any property traceable to such property, including, but not limited to, the sum of \$4,948.45.

A. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third party;
3. has been placed beyond the jurisdiction of the Court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982.

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offenses charged in Counts One through Five of this indictment, defendant

BRYANT LEE

a. Committed an offense in which the loss exceeded \$20,000 as described in U.S.S.G. § 2B1.1(b)(1).

b. Committed an offense involving 10 or more victims, as described in U.S.S.G. § 2B1.1(b)(2)(A).

c. Committed an offense involving more than minimal planning, as described in U.S.S.G. § 2B2.1(b)(1).

d. Committed an offense in which the defendant abused a position of public and private trust, as described in U.S.S.G. § 3B1.3.

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
United States Attorney